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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

_____)	
In re:)	Case No. 12-12020 (MG)
)	
RESIDENTIAL CAPITAL, LLC, <u>et al.</u> ,)	Chapter 11
)	
Debtors.)	Jointly Administered
_____)	

**THE RESCAP BORROWER CLAIMS TRUST’S COUNTER-
DESIGNATION OF ITEMS FOR RECORD ON APPEAL**

Pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure and Rule 8007-1 of the Local Bankruptcy Rules for the Southern District of New York, the ResCap Borrower Claims Trust (the “**Borrower Trust**”), established pursuant to the terms of the *Second Amended Joint Chapter 11 Plan Proposed by Residential Capital, LLC, et al. and the Official Committee of Unsecured Creditors* [Docket No. 6030] (the “**Plan**”)¹ in the above-captioned Chapter 11 cases (the “**Chapter 11 Cases**”), hereby submits the following counter-designation of additional items to be included in the record on appeal in connection with the Notice of Appeal and Statement of

¹ The Plan was confirmed by order of the United States Bankruptcy Court for the Southern District of New York (the “**Bankruptcy Court**”) dated December 11, 2013 [Docket No. 6065] and the Plan’s effective date occurred on December 17, 2013. The Plan provides for the creation and implementation of the Borrower Trust. *See* Plan, Art. IV.F. The Plan further provides that the Borrower Claims Trustee is deemed the representative of the Debtors’ estates for the purpose of prosecuting objections to borrower claims, *see* Plan, Art. IV.S.

Election² [Docket No. 9647] filed by appellant Tia Danielle Smith (the “**Appellant**”), from the *Order Denying Motion of Tia Smith for Relief from Prior Opinion* [Docket No. 9595] which was entered by the Bankruptcy Court on February 8, 2016.³

The Borrower Trust designates the following additional items to be included in the record on appeal.

A. Pleadings

Docket No.	Description
7691	Motion For Reconsideration of the Memorandum Opinion and Order Sustaining In Part and Overruling in Part the ResCap Borrower Claims Trust's Sixty-Ninth Omnibus Objection To Proof of Claim Nos.: 3889, 4129, 4134 and 4139 filed by Tia Smith
7699	Letter to Judge Glenn from Tia Smith dated October 29, 2014 Regarding Notice of Order and Opinion
7795	Order Denying Motion of Tia Smith for Reconsideration
7832	Notice of Appeal [of Order Denying Motion of Tia Smith for Reconsideration] filed by Tia Smith
7871	Designation of Record on Appeal [of Order Denying Motion of Tia Smith for Reconsideration]
7910	The ResCap Borrower Claims Trust's Counter-Designation of Items for Record on Appeal [of Order Denying Motion of Tia Smith for Reconsideration]
9267	Case Management and Scheduling Order for ResCap Borrower Claims Trust's Sixty-Ninth Omnibus Objection to Claims (Solely as it Relates to Claim Nos. 3889, 4129, 4134 and 4139 Filed by Tia Smith)
9336	Application for Waiver of Fees and Costs for Alternative Dispute Resolution (Claim Nos. 3889, 4129, 4134 and 4139) Filed by Tia Danielle Smith
9358	ResCap Borrower Claims Trust's Response to Tia Danielle Smith's Application

² The Appellant has failed to file a motion for leave to appeal from an interlocutory order, as required by the Federal Rules of Bankruptcy Procedure. *See* Fed. R. Bankr. P. 8003(a) and 8004(a). The Borrower Trust reserves its rights to object to the Notice of Appeal, and seek the dismissal of the appeal on this basis.

³ For the avoidance of doubt, with regard to any pleadings and/or exhibit lists designated by the Borrower Trust, the Borrower Trust also designates any and all exhibits filed with, attached to, or otherwise referenced in such documents. For the further avoidance of doubt, the Borrower Trust designates all items designated by Appellants in Docket No. 9717, Case No. 12-12020 (MG) and all exhibits filed with, attached to, or otherwise referenced in such documents.

Docket No.	Description
	for Waiver of Fees and Costs for Alternative Dispute Resolution
9363	Order Denying Motion of Tia Smith to Waive Fees and Costs for Alternative Dispute Resolution
9448	Request [of Tia Danielle Smith] for Discovery Dispute Conference (Claim Nos. 3889, 4129, 4134 and 4139)
9564	Order Adjourning Pre-Trial Conference in the Tia Smith Case
9567	Motion for Reinstatement of Leave to Appear Telephonically at the Adjourned Pre-Trial Conference Now Set for February 1, 2016 Pursuant to Fed. R. Bankr. P. 1001 and 9024 [Filed by Tia Danielle Smith]
9569	Order Denying Motion for Reinstatement of Leave to Appear Telephonically
9581	Statement on Case Status Report [Filed by Tia Danielle Smith]
9584	Declaration as Direct Testimony of Tia Danielle Smith
9585	Declaration as Direct Testimony of M. Nawaz Raja and Offer of Proof for Expert Testimony
9588	Objection to Declaration of Sara Lathrop and Objector's Exhibits A, B, C, D, E, F, G, K, L, M and N and Corrective Declaration of Tia Danielle Smith Reference Part of Smith's Responses to Interrogatories 16 and 20 [Filed by Tia Danielle Smith]
9592	Motion to Extend Time for Cross Examination of M. Nawaz Raja, Who Reports that He is Presently Hospitalized and Will Not be Released until February 8, 2016 at the Earliest and Alternative Motion for Telephonic Testimony if Medically Permitted [Filed by Tia Danielle Smith]
9593	Motion of Tia Smith for Relief from Decision Dated October 1, 2014 for Fraud, Misrepresentation or Other Misconduct of Opposing Party and Because the Newly Discovered Fraud Renders the Decision and Order of October 1, 2014 Void Because the Court Relied on the Fraudulent Misrepresentations of Deanna Horst and the Fraudulent Endorsement Stamp by Which GMAC Mortgage, LLC Employee Judy Faber Falsely Claimed to be Vice President of Residential Funding Company, LLC (All Rights Reserved)
9608	Statement of Correction of Record [Filed by Tia Danielle Smith]
Not Docketed	Declaration and Proposed Testimony [of Sara Lathrop] in Support of the ResCap Borrower Claims Trust's Sixty-Ninth Omnibus Objection to Claims (No Liability Borrower Claims) as to Claim Nos. 3889, 4129, 4134 and 4139 Filed by Tia Danielle Smith [Attached as part of the Borrower Trust's Evidentiary Hearing Exhibits as BT-A]
Not Docketed	ResCap Borrower Claims Trust's Objections to the Declaration of Nawaz Raja [Attached hereto]
Not Docketed	ResCap Borrower Claims Trust's Objections to the Declaration of Tia Danielle Smith [Attached hereto]

B. Other

Docket No.	Description
Not Docketed	Borrower Trust Evidentiary Hearing Exhibits [Attached hereto]
7497	Transcript of Hearing from August 26, 2014
9268	Transcript of Hearing Held on October 15, 2015
9548	Transcript of Hearing Held on January 13, 2016
9627	Transcript of Hearing Held on January 27, 2016
9633	Transcript of Hearing Held on February 1, 2016
9636	Transcript of Hearing Held on February 9, 2016
Not Docketed	Proof of Claim No. 3889
Not Docketed	Proof of Claim No. 4129
Not Docketed	Proof of Claim No. 4134
Not Docketed	Proof of Claim No. 4139

C. Documents from Previous Appeal, Case No. 14-cv-09711-RJC (S.D.N.Y.)

Docket No.	Description
6	Order Regarding Failure to File Opening Brief
7	Order Regarding Request for Declaration
8	Declaration
9	Order Extending Deadline to File Opening Brief
10	Appellant's Opening Brief
11	Appellee's Brief
13	Opinion and Order
14	Clerk's Judgment

D. Documents from Adversary Proceeding, Case No. 16-01015-MG (Bankr. S.D.N.Y.)

Docket No.	Description
10	Notice of Dismissal Pursuant to Fed. R. Bankr. P. 7041 Incorporating Fed. R. Civ. P. 41(a)(1)(A)(i)

Dated: March 21, 2016
New York, New York

/s/ Norman S. Rosenbaum

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